

# SPEECH

OF

## HON. TIMOTHY JENKINS, OF N. YORK,

IN THE HOUSE OF REPRESENTATIVES, APRIL 14, 1852,

### AGAINST GIVING AWAY THE PUBLIC LANDS.

The House being in Committee of the Whole,  
(Mr. HIBBARD in the chair,)

Mr. JENKINS said: Mr. Chairman, I shall devote the hour allotted to me mainly in discussing these questions: Has Congress the rightful power to make *donations* of public lands, either for the construction of railroads, or to actual settlers? Would it be expedient for us to exercise that power, even if we possess it?

The Committee of this House upon Public Lands has reported a bill granting to the State of Missouri a portion of the national domain for the purpose of constructing two railroads in that State—one from St. Joseph to Hannibal, a distance of one hundred and eighty miles; the other from St. Louis to the western line of the State, a distance of two hundred and thirty-two miles. By this bill it is proposed to give the State of Missouri between one and two millions of acres of land. I said to the *State* of Missouri; not quite so. *Corporations* have been created by that State, authorized to construct these roads. These corporations, therefore, stand behind the State, eager expectants of the nation's bounty.

If this were the only project for such donations to be pressed upon our consideration, we possibly might pass over the subject with less concern; but this bill is only the entering wedge. Other bills are to follow, which, if carried through Congress, will sweep away, at the present session, from twenty-five to fifty millions of acres of the public domain.

The Committees upon Public Lands in both Houses of Congress are pushing forward a scheme of internal improvements at the nation's expense, unrivaled in extravagance by any former legislative body. Let us look into the document room, and see what intelligence the Senate, through that channel, has communicated to us upon the subject. We find sent there prior to the first of last March a large volume of bills making donations of public lands to certain favored States, of which I give a brief abstract:

*Donations proposed in the Senate at this session, as estimated by the Commissioner of the General Land Office.*

FIRST—FOR RAILROADS.		
States.	Length of roads in miles.	Amount of dona- tion in acres.
Michigan.....	534.....	341,760
Wisconsin.....	156.....	599,040
Iowa.....	434.....	3,107,417
Missouri.....	232.....	890,880
Arkansas.....	488.....	1,873,920
Alabama.....	314.....	1,205,760
Florida.....	932.....	5,882,880
	3,090	
Making for railroads .....		13,901,657

These 3,090 miles of road will cost \$60,000,000.

SECOND—DONATIONS TO STATES, NOT LIMITED TO RAILROADS.

Ohio.....	302,195
Louisiana.....	13,508,259
Illinois.....	35,000
	13,845,454
Add the above for railroads .....	13,901,657

Proposed donations, in acres..... 27,747,111

Thus an effort is made to bring the united votes of ten States into the measure, by holding out a reward of the value of \$35,000,000.

One scheme of prodigality never stands alone. Others of like character soon cluster around the leading project. The circle of combinations is constantly enlarging, and each unauthorized application is made to depend on the success of all. The system in fact goes further. Meritorious subjects for legislative action are quite sure of defeat, unless united to the prescribed circle. The influence of the whole scheme is pernicious, and tends to change our legislative Hall into a marketplace, where vote may be bartered for vote.

The power of the General Government is derivative—conferred on the one hand, and limited on the other, by compact. The States have an independent existence, and are clad with the elements of supreme power. It is the business of States, and not of the General Government, to support



the poor; to disseminate learning; to encourage the arts, promote agriculture, and construct roads and canals. The jurisdiction of the General Government begins where that of the respective States ends. Who will claim that the National Government has a right to construct railroads? The mode in which the business is necessarily carried on upon these roads furnishes an abundant answer to this question. From their very nature they are exclusive. He who wants to travel, cannot put his own car on to the track. He must submit himself to the dictation of others. He must enter cars prepared for the road. Fast or slow, the engineer controls the movement, and the murmurs or plaudits of the passenger, alike unheard, neither increase nor diminish the speed. How unlike the navigation of our rivers, our lakes, or the ocean! There, each master spreads his own canvas to the propitious wind, or dashes onward, at pleasure, with his huge but obedient steamer. The former is close and restricted; the latter is free and national. The one is suited to the minutiae of State legislation; the other to the broader field of national commerce. The one constitutes the thoroughfares of individual States; our great rivers and lakes are the highways of the nation. The objects, therefore, to which these funds are devoted lie beyond our constitutional limits. As well might we devote funds from the Treasury for the establishment of a bank at *Hannibal*, as to send out a railroad from that place through the wild lands of the West.

Is it said that these lands are given to the *States*, and that, inasmuch as the *States* have an undoubted right to construct railroads, therefore the constitutional objection is answered? Let us test this question. If this bill proposed to make a general distribution of the public treasure to all the States alike, the project would evidently be more just than the present; yet it would then be open to the strong objection of collecting money from the people, for distribution among the people, abating the expense of collection and payment. But this proposition is to give a large amount of land to a single State, with a provision requiring that State to devote the avails of the land to the construction of two specified railroads. If we have not a constitutional right to construct railroads, have we a right to make a donation of funds for the construction of railroads? If we have no right to accomplish an object *directly*, have we a right to accomplish the same object *indirectly*? If there be any reason which will enable us to bring about this result, it lies beyond discovery by mortal vision.

These public lands are held by the United States in a fiduciary capacity. In the sale and disposition of them, Congress acts as a trustee. What right has a trustee to give away the trust estate? Have we any more authority to give away the public lands than we have to put our hands into the Treasury and make a donation in specie? If these lands are taken from the market and given away, that source of revenue is cut off. Increased taxation, by way of import duties or otherwise, is necessarily resorted to in order to supply the deficiency in the public revenue thus created. Instead, therefore, of selling the nation's lands to pay the nation's debts, we give away these lands and tax the people to pay these debts! Let the argument be put in this form, and will any one rise in his place and maintain the right in Congress to make any such donation? The very nature of

the trust is at war with this gross assumption of power.

But, sir, I propose to examine this question of power further. How, and under what circumstances, did the General Government obtain title to the public lands east of the Mississippi river? Were the grants by the States to the General Government absolute or limited? Let it be remembered that most of the original grants from the British Crown to the American colonies, covered lands from the sea-board westwardly to the Mississippi river, and some purported to extend to the Pacific ocean. These grants were made long before the country was fully explored. Little attention was paid to their northern or southern boundary, and hence these grants lapped upon each other. Disputes began to arise between the States as to the rightful extent of these grants, until the American Revolution, quieting these disputes, gave rise to a more momentous question. To whom did these unappropriated lands rightly belong? The blood and treasure of all the States were freely poured out in that great struggle for the benefit of the whole nation. The war was yet raging, and the national debt rapidly increasing. How shall this debt be paid? Shall the patriotic States of New Jersey, Delaware, Maryland, and Rhode Island, whose grants were limited, bear the severe burdens of the war, and then quietly sit down and pay their proportionate share of the expense, leaving the other States to the enjoyment of the vast region of unappropriated lands lying between the settlements on the sea-board and the Mississippi? or shall these lands be regarded as a national fund, devoted to war expenses and the common benefit of all the States? These were questions, at that important juncture, worthy the thoughts of statesmen. The subject was one of vital interest, and was treated with the grave deliberation suited to its importance.

Some of the States refused to sign the Articles of Confederation until an equitable adjustment of this matter should be made. In 1779, Congress passed a resolution soliciting the then land States not to dispose of the unappropriated lands during the continuance of the war. Maryland, Delaware, and New Jersey evinced a strong desire that justice to them should be done, and ardently pressed Congress for a settlement of this question. Virginia, unwilling to resign her claims to any of the unappropriated lands, remonstrated against any interference with her possessions on the part of the General Government. This subject had approached a dangerous crisis, when the Legislature of the State of New York in 1780 patriotically came to the rescue, and passed an act authorizing their delegates in Congress to limit the western line of that State, and cede the lands west of such line to the United States, for the benefit of such States as should become members of the Federal Alliance. Before such cession was actually made, Congress passed a resolution inviting the other States to follow the example set by New York; and in that resolution expressly pledged the faith of the nation to dispose of the lands which should be ceded to the General Government by the respective States, for the *common benefit of the United States*. Whereupon the State of New York, in 1781, three years in advance of any other State, ceded her unappropriated lands west of her present State line to the United States, pursuant to the resolution of Congress. The other land States followed the example of New York, and, relying



upon the resolution of Congress, ceded their unappropriated lands to the United States in the following order: Virginia in part in 1784, and finally in 1788; Massachusetts in 1785; Connecticut in part in 1786, and finally in 1800; South Carolina in 1787; North Carolina in 1790; and Georgia in 1802.

What were the purport and effect of this resolution of Congress pledging the faith of the nation to dispose of these lands for the common benefit of all the States, and the cession of land by the States pursuant thereto? These transactions together constitute a compact obligatory upon the parties now in full force, and binding as the Constitution itself. What legal or moral right have we to break that compact? Where do gentlemen find the power authorizing Congress to trample this solemn agreement under our feet, and instead of disposing of these lands for the common benefit of all—instead of collecting their avails for the support of Government, and the payment of the national debt—give them away under the name of States to railroad corporations and voracious speculators? What right has Congress under this compact to give them away for any purpose?

The Constitution of the United States provides that—

“The Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claim of the United States or of any particular State.”

This is the only clause in that instrument relating to the public lands. What do the words conferring upon Congress the power to dispose of, and make all needful rules and regulations respecting, the territory or other property of the United States, mean, when taken in connection with the clause *prohibiting Congress from prejudicing any claims of the United States or of any particular State therein*? Can it in truth be said, that any one of the States has no interest in the public lands? If each of the States has an interest in them, what power, what right has Congress to *prejudice such claim* by giving them away, either to States, individuals, or corporations? Is it not also obvious that any such donation works a *prejudice to the claims of the United States* in the public domain? These questions admit of but one answer. The Constitution itself, therefore, not only fortifies the position I have taken in respect to the public lands east of the Mississippi river, but secures to the respective States their interest in the public domain everywhere throughout the Union.

In the ordinary transactions of business, where several persons purchase a tract of land, and all assist in paying for it, each has an equitable right to his share; though the legal title may be held by one of their number or by a third person. In 1803 we purchased of the French Republic the Territory of Louisiana for upwards of eleven million and a half of dollars, and stipulated to release that Republic from all liability for spoliations upon our commerce prior to 1800, amounting to about as much more. In 1819, we purchased Florida from Spain, for \$5,000,000. Immense sums of money have been yearly paid to the various Indian tribes for the extinguishment of their titles even to a small part of the public domain. For the extinguishment of Indian titles to 116,349,899 acres of land between the 4th of March, 1829, and the 4th of December, 1838, we paid and agreed to pay to Indian tribes, the sum of \$72,562,056.

Larger sums still will be required from year to year for the purchase of other Indian titles. The Indian appropriation bill, for years, has exceeded a million of dollars annually. At the present time, the amount of annuities and interest payable to Indian tribes is \$822,215. Of this sum \$150,310 is a perpetual annuity, equal in value to two and a half millions of dollars. We owe various tribes of Indians, upon which we pay annual interest, the sum of \$5,271,600. If we take into consideration the present value of all annuities due these tribes, together with the amount of funds belonging to them and now in the hands of the General Government, this branch of our national debt alone cannot be less than twelve millions of dollars.

The survey of our public lands for some years past has cost the Government from \$200,000 to \$300,000 a year. We have paid Mexico for the acquisition of territory \$15,000,000, and relinquished claims upon that Republic amounting to about \$6,000,000 more. We agreed to pay Texas \$10,000,000 for her claim upon New Mexico.

The stipulations entered into between the United States and Georgia, upon the cession of the unappropriated lands of that State to the General Government, resulted in the Florida war, and the consequent removal of the Indians from that section of the Union west of the Mississippi. The war with Mexico resulted in a war for the acquisition of territory. In the treaty of peace the United States agreed to protect that Republic from depredations by Indians residing within the United States. What these wars have cost, and what amount will be required to keep up an army upon our southwestern frontier in order to comply with the terms of the treaty with Mexico, it is not easy to determine.

These immense sums have been expended from the public Treasury, substantially for the acquisition of public lands. These moneys have been, in part, paid out of the Treasury of the nation, and the residue must also be drawn from the same Treasury.

Mr. JOHNSON, of Tennessee. I wish to ask the gentleman from New York a single question. If the amount we have paid for the acquisition of Florida, Louisiana, California, and all the other acquired territory, is chargeable to the public account? I to some extent answer the question by asking another: If there were not a foot of vacant unoccupied land, would not the United States have been justified in paying the amount which has been paid for the extension of our jurisdiction?

Mr. JENKINS. The last question put by my honorable friend from Tennessee, is not quite pertinent to the matter under discussion; for, in one sense, we may have been remunerated for these expenditures in the glory of our arms and the fame of our achievements. When we have purchased territory, and paid a vast sum of money for it, even though our jurisdiction is thereby enlarged and benefits result to the nation from such extended jurisdiction, yet this cannot authorize Congress to *give away* such territory, and leave the people to pay the stipulated price. I therefore answer, that the price paid for these acquisitions is chargeable to public account.

Sir, this Government has been engaged in the survey and sale of our unappropriated lands about seventy years. The whole sales, up to the close of



the last fiscal year, amount only to 100,560,790. The amount received upon sales does not half equal the amount we have paid for the public lands. The question, then, arises, whether it would be discreet, even if we had the power, to give away these lands until after the sum which has been paid out shall have been realized from the sales of them? If a surplus can be saved, to whom should that surplus go? Obviously, it should be placed in the Treasury for the benefit of the whole nation.

Our registered public debt is now \$62,000,000. Add to this the unregistered debt of \$10,000,000 due Texas, and our liabilities of \$12,000,000 to the Indian tribes, and we see that the payment of \$84,000,000 is to be provided for. How is this vast debt to be paid? Throw away the public lands, and the sober realities of taxation, drawn from the sweat of the brow, will give a reluctant but admonitory answer to this question.

If, then, there were no compact and no constitutional provision against these donations, the plainest principles of common justice should be an adequate barrier against them. I am aware that the plea for infractions upon constitutional rights is always put forth in a plausible form; and ardent appeals to interest are made, and subtle combinations entered into, until a vast force is brought to bear upon the object in view. Why is France now governed by the arbitrary will of a tyrant? I answer, the Legislature of Republican France led the way. That body first set the Constitution at defiance. Against the letter and spirit of that instrument, the French Chamber disfranchised a large portion of the constitutional voters, and invaded the liberty of the Press. They squandered the public treasure in balls and banquets. They taught the people to live upon the Government. They crushed the rising spirit of liberty in Rome, and Frenchmen did not complain. The Constitution was overruled by mere legislative enactments, broken by legislative usurpation. What is liberty when the guarantees of the constitution are gone? A mirror, to see a tyrant's face in.

Infringements upon the Constitution always produce disastrous effects. Let any State in the Union transcend its constitutional powers, and embark upon a scheme of gigantic expenditure, and though such expenditure may seem to be for a praiseworthy object, yet the incipient wrong wakes into life a horde of ravenous expectants of public plunder. The very fact that the organic law has been broken, to open the way for such unauthorized expenditure, is itself an invitation for the artful and designing to set their wits in motion for the most adroit mode of robbing the public Treasury. Donations of such vast amounts of public lands to the State for the construction of railroads, is liable to the same fraudulent mode of expenditure. These lands become a fund attractive to speculators, who throng the halls of State Legislatures. At their instance, corporations are created, the lands transferred, the prices raised, the roads surveyed, and cities and villages in abundance emblazoned upon the map. Scrip for corner lots, and gardens, and farms, and mill-sites, are blown into every market. The adroit speculator knows well who to choose for customers. He does not invite the attention of men who understand his appliances. It is the unsuspecting and the credulous whom he marks for victims. Thus, if these measures shall pass, the speculating mania of 1835 and 1836 will be reenacted, with the advantage of new scenery and fresh embellishments.

The friends of this system propose to take the lands in alternate sections, and confine the range within fifteen miles of the road. They would then require the sections retained by the General Government to be sold for not less than \$2 50 per acre, while they propose to allow the States to which the sections shall be granted to sell the lands thus granted for such price as they may choose. Thus it is claimed that because the price on the half reserved is to be doubled, the half given away is no donation. If this proposition be sound, as a general rule, why do not the States, so clamorous for railroads, so anxious to force Congress into this new way of making money, themselves purchase all the lands on each side of the proposed railroads at the small sum of \$1 25 per acre, and thus relieve the General Government from the speculation? I more approve of the caution which governs the acts of these States than their advice by which they would have the legislation of Congress directed. Some acquaintance with the sales of the public lands during the last twenty years, and the amounts of land purchased remaining unoccupied to this day will show how illusory this position is. Under the reign of speculation in 1835 and 1836, the Government sold the enormous amount of 32,639,343 acres of land, for the sum of upwards of forty millions of dollars. The best judges upon this subject are of the opinion that not one half of this land sold during those years has yet gone into the hands of actual occupants. Why is this? The soil is good, and the land well located, for it was purchased upon actual examination by men of experience. But, sir, the amount of lands sold during those years was enough to supply the whole tide of emigration westward for twenty-five years. Many who have taken up their abode in the new country chose to purchase lands from the General Government, and hence a large share of the lands bought upon speculation remains unoccupied to this day. Gentlemen from the new States complain that large amounts of land have been surveyed and in market for a long time, and yet remain unsold. They think that a number of railroads in each of the new States, and in the Territories, would induce actual settlers to purchase these lands. This reasoning is fallacious. No such extraordinary effects can be expected. The moment these lands are put in the market, if they are to be so desirable as some suppose, they will be seized by the speculators before the real settler from the Eastern States has time to think of emigration.

Since 1820, the Government has sold the public lands, according to the judgment of those best acquainted with the subject, at a price not much, if any, above what they cost us, including the expenses of survey and sale. Efforts have been made from time to time to reduce the price below \$1 25 an acre, for the purpose of encouraging emigration to the new States. But now, a policy directly the opposite is pressed upon our consideration. The advocates of these railroad projects would raise the price, and thus place the lands beyond the reach of the emigrant possessed of small pecuniary means. This policy is also advocated with a view of increasing emigration to the new States. Antagonistic as these measures are to each other, Representatives from the same States have, by turns, supported both. It is also supposed that a large majority of the advocates of these railroad schemes, are in favor of giving away the public lands to actual settlers. From the want of unity



in these projects, we are admonished to examine them all with some care. It has been said in the course of debate, by a member of the Committee on Public Lands, that donations of public land for over twenty railroads are reported, and to be reported, and the construction of these roads recommended by that committee at this session. It is plainly seen, that from combination of interest, if one passes, all will. This is the new system for increasing the sale and disposition of the public lands, and promoting emigration from the old States to the new. Suppose you could manage one or two roads upon choice localities to advantage, what will you do with the great number of them contemplated in this scheme? Where are the settlers to come from, sufficient to people such a vast amount of territory within the time indicated by the haste in which these measures are pressed upon us? A few hundred thousand settlers a year will not answer the purpose; nothing short of emigration by kingdoms, in a body, can satisfy such huge desires. Sir, depend upon it, emigration will not be materially increased by the means proposed. If lands were not raised in price, emigrants might be concentrated for a time in the vicinity of the proposed roads, instead of taking up their abode elsewhere. This is concentration in a particular locality, not an increase of population in the new States.

In the course of debate, allusion has been made to grants of alternate sections of land by Congress, in 1827, to the State of Illinois, to aid in the construction of a canal connecting the waters of the Illinois river with Lake Michigan; and, also, to another grant, during the same session of Congress, of like alternate sections to the State of Indiana, to aid in the construction of the Wabash and Erie canal. The acts making these donations required the price of the sections reserved to the General Government to be raised from \$1 25 to \$2 50 per acre. It was, doubtless, an object of importance to connect the waters of the Mississippi, through the medium of lakes and canals, with the waters of the Hudson river. Perhaps so strong an appeal could not have been made for any other similar donation. The New York canals, between the lakes and the Hudson river, were then in successful operation; and, it was inquired, why not construct canals in the new States, and send the products of the Mississippi valley to the commercial metropolis of the nation? The supposed benefits of these projects by no means equaled the injury arising from these donations. The grants neither blessed the giver nor receiver. They stimulated the States of Indiana and Illinois to embark upon a system of wild and extravagant expenditure. They issued stocks in profusion, and the markets were filled with them to overflowing. No adequate provision was made even for the payment of the interest, much less the principal. Consequences quite natural followed. These two favorite States, unsurpassed by any in the Union for beauty and fertility, overwhelmed by pressing liabilities, were forced to the threshold of repudiation. Their stocks were hawked in the marketplace; their credit was lost, and their public works stopped. These States turned over their lands to corporations created for the purpose. The price of the lands was fixed at five dollars an acre; and although a quarter of a century has gone by since the donations were made, more than half of them remain unsold to this day. These vast debts, created by the States of Indiana and Illinois, have

prevented settlers from going there. The hardy pioneer does not relish heavy taxation. He goes where lands are good and cheap, and expenses light. Hence, the sales of land belonging to the General Government in these two States, have, without doubt, been much retarded.

Our experience upon this subject does not stop here. In 1838, Congress made a donation of alternate sections of land to the Territory of Wisconsin, for the construction of the Milwaukee and Rock River canal. This grant, like those to Indiana and Illinois, embraced the alternate sections for the distance of five sections on each side of the canal. In like manner, also, the price of the sections reserved to the United States was raised from \$1 25 to \$2 50 an acre. These lands were not surpassed in fertility, climate, or convenience of location, by any in the Union. A corporation was created to take the lands and construct the canal. This canal was to be some sixty or seventy miles long. The lands are gone, of course, but where is the canal? A dike, now used for mill purposes, a mile and a half in length, tells the whole tale of this munificent donation. Not discouraged at this disastrous result, in 1846, Congress granted to the same Territory like alternate sections of land, for the improvement of the Fox and Wisconsin rivers. In 1848, Congress, aware that the whole project resulted in a failure, not only reduced the price of the alternate sections of the lands reserved to the General Government in both grants to Wisconsin back to \$1 25 an acre, but paid to those who had purchased these reserved sections at double that sum the excess above \$1 25 an acre. Let the Governor of Wisconsin, in his annual message to the Legislature of that State in January last, be heard upon this subject. He is on the ground, an eye witness to the effects of this system of unauthorized prodigality. I give his language:

"These large grants of the public lands to the State, in trust for the benefit of specific works of internal improvement, under the supervision of private incorporated companies, will retard the settlement of the State, by engrossing the most valuable portions of the vacant lands, and in every instance, will probably have the effect to keep them out of the immediate market, as well as to increase the original cost to the settler when offered for sale. If granted, as is usual in such cases, in alternate sections, the practice has been, and will probably continue to be, to increase the price of Government lands so alternately reserved, thus making the land, both granted and reserved, a profitless bargain to the capitalist, as well as placing them beyond the reach of a large proportion of emigrant settlers, who would otherwise become resident producers in the State. The consequence would be, they would avoid Wisconsin and seek more favorable localities in other States and Territories, where vacant lands could be procured at the usual Government price. If a grant be made for the benefit of only one certain work, or a particular company, and no other should be allowed, it would be objectionable, as conferring a special and exclusive benefit upon a particular section of the State, out of a general and common fund that belongs to all portions and sections of the State alike. If one grant should become a precedent reason for allowing others, and grants should continue to be made as often as any work or improvement could be demonstrated to be of utility and importance to any section of the country, in a very short time all the public lands in the State would be absorbed and engrossed by numberless projected internal improvements, each under the management of special and private companies, and all requiring the supervision of the State government. The companies having charge of these various works, would or might consider it for their interest to make such a high appraisalment of these grants as would necessarily keep them a long time out of market, and prevent their occupancy and settlement. In the mean time, in order to obtain the requisite means to commence and carry on these works, they might see fit to issue bonds, scrip, or other evidence of debt, making these lands the basis of their credit and security, and by their sale and negotiation in a foreign market, have the effect to place these



lands, in a measure, under the control of non-resident money speculators."

Mr. EASTMAN. Does the gentleman from New York intend to say that the sentiment expressed in the extract just now read from the message of the Governor of Wisconsin reflects the public sentiment of Wisconsin on this subject?

Mr. JENKINS. These appear to be the sentiments of Governor Farewell, elected to that office by the *people* of Wisconsin. This is the best evidence we can have of the sentiments of the people of that State on this subject. The facts which I have given, also fully support the opinion of the chief magistrate of that State.

Thus, sir, theory and experience unite in placing the stamp of condemnation upon this system. If it were authorized by the Constitution, or by the nature of the trust which the General Government holds in the public domain, the project would nevertheless be inexpedient, and unworthy of our support.

I think it may be safely laid down as a principle, that no railroad should be constructed at public or private expense, unless it should first be obvious that the business which would be done upon it could not fail to make it a profitable investment. When the population is sufficiently dense to warrant this result, capitalists in the vicinity of the proposed improvement, perhaps aided by their friends abroad, will quite naturally enter upon the work. The funds will then be expended with care, and the work carried on with economy. In this manner, one railroad, or more, from the Mississippi river westward, commenced at some appropriate place, will follow the settlement of the country. It will be constructed by the surplus funds which the hardy enterprise of the West well knows how to accumulate and to manage. The same enterprise will begin and extend one railroad or more, from the shores of the Pacific eastward. The increasing population and the growing wealth and commerce upon both sides of the Rocky Mountains will extend the works until it shall be an object to the larger capitalists to supply the deficient link between the Atlantic and Pacific sea-boards. This step-by-step progress, begun and carried on by individual enterprise, called for by the real wants, and supported by the solid means of the country, is always sound and reliable. But make these vast donations for the construction of an army of railroads through the wilderness everywhere, and you will have stronger appeals, and more of them, hereafter for donations to run the cars than you now have to make the roads.

The present system of disposing of the public domain has been steadily pursued upwards of thirty years, and has worked well. It was adopted after forty years' experience. Prior to 1820, we tried high prices and the credit system. A debt of \$22,000,000 due this Government, which the settlers were unable to pay, was the result. The lands were then reduced to \$1 25 an acre, and sold for ready money. There they have stood, breasting the attack of several Administrations, warding off the assaults of interested combinations, private and corporate, and successfully pleading their own cause against every effort to make them common or State plunder. The system has never been equaled by any other Government, and will never be surpassed for its adaptation to the wants of the settler and the interest of the country. Here the nation has a vast treasure, which we can well rely

upon in war and in peace. It has been guarded as a sacred trust, and I greatly mistake if that guardianship will ever be abandoned. I deprecate the weak and fallacious notion, promulgated in certain quarters, for no good purpose, that the new States are going to rob the nation of the public domain, and that this vast treasure will, in some way, be all squandered. He is a prophet of doubtful integrity who prognosticates evil, and then, by his own act, contributes to the fulfillment of his own prophecy.

We must expect that a great treasure will need some effort in its protection. Is it said that the interest of the new States will overleap all bounds of justice, and vote all these lands away from the nation? Where are the votes to come from? Ohio is already an old State; and Wisconsin, Indiana, Illinois, Mississippi, and Alabama, will soon take rank in the same class. The success of speculators, during the last Congress, in obtaining several millions of acres for the benefit of railroad corporations, should stand forth as an admonition against such encroachments.

The suggestion that the public lands tend to corrupt legislation, is a poor apology for giving these lands away. The argument amounts to this: We fear that future legislators will become so corrupt as to squander these lands; therefore let us squander them; let us save *their* reputation, by ruining our own! As well might such statesmen take the ground, that liberty itself is too great a treasure to be preserved long. It is assailed on every side. Posterity will not have integrity enough to guard it. Sooner or later it must go. We, therefore, being safe guardians of the public interests, will put an end to this troublesome matter, by the establishment of a despotism! Sir, free Governments always have had, and always will have, great treasures to guard and defend. Perhaps, the freer the Government, the more difficult is the guardianship of these treasures. Property, liberty, national honor, are always open to assault, and assailants are ever at hand. One palpable legislative wrong opens the door to many more. Let us, therefore, stand up now against these encroachments, and the victory of right over wrong will hereafter be more sure.

If we would benefit the settlers, and keep an inheritance open to the attainment of the sober and industrious in this and coming generations—if we would encourage those who begin life without property, and hold out to them the strongest possible inducements to lay by their earnings for the purpose of securing to themselves and their families a permanent home, we must banish from our legislative Hall the projects of donation, graduation, and distribution of the public domain, and hold fast to the system which experience has demonstrated to be the best. Under this system the pioneer moves into the new country amid many disadvantages; but he is rewarded for his perseverance with the *first* and *best* choice of a farm. Each new settler increases the value of the adjoining lot, and hence those lots which at first would be rejected as a gift, in process of time are better worth the Government price than the best were at the period when they were purchased. This process, itself so simple and natural, is the best mode of land graduation which has ever been devised. It does not reduce the price, but raises the value of the poorer lands, as settlements advance, up to and above the Government price. It enables the pioneer to settle his children around



him from the fruits of their own earnings, each content that the price is exceeded by the value of the purchase. This system keeps the great body of the lands out of the hands of speculators; for no speculator can purchase a large body of land at Government prices, keep it on hand for years, paying taxes and agency fees, and make money from the investment. It pledges to the young men of our country, and to emigrants from foreign lands, an asylum and a home, as a reward of their frugality and patient toil. So long as forty acres of good land can be purchased for fifty dollars, and eighty acres for one hundred dollars, a farm is within the reach of every one who is not disabled by sickness or old age. Our land system, therefore, holds out a reward to industry and frugality. The hardy virtues of earning and saving lie at the foundation of individual and national prosperity. Of what use is land to a man who is too indolent to cultivate it, or too prodigal to keep it? Give it to him, and he will place no real value upon it. Move him on it, and he will quit it. Encourage him, and he nevertheless sinks as though he were afflicted with an incurable disease.

The donation of public lands to actual settlers did not originate in the United States. The system, years ago, was reduced to practice in some of the Spanish republics upon this continent, and also by the British Government in Canada. The effect produced has not commended the continuance of the practice to the favorable consideration either of the philanthropist or statesman. The project has the merit of good motives. It originated in the best feelings of the heart. In theory, it is, at first view, somewhat attractive; but when it is carefully examined, I think it will be found void of any considerable amount of practical benefit.

The honorable gentleman from Tennessee [Mr. JOHNSON] proposes to reduce this theory to practice in this country, by giving to each settler one hundred and sixty acres of land, upon condition of occupancy and improvement for five years. This project has the sanction of the Committee on Agriculture. Surely the committee does not propose this as a measure for improving the agriculture of the old States; for we need there twice the population we now have to bring the agricultural districts up to an appropriate standard of improvement. The only reason which has been or can be offered for this scheme approaching plausibility is, that it will provide a home for the poor.

There has been a tendency in the General Government for some years to engross the business of State legislation. If a State is so derelict of duty as to neglect to provide for its own poor, is it the province of the General Government to furnish an almoner and to supply their wants? If we take this step, where shall we stop? Other omissions of duty in State governments, crying out more loudly for redress than it is in the power of poverty itself to put forth, may come to our ears, and shall we redress these grievances also? These principles, carried out, would leave the States with nothing to do. They might remain in name, with their boundaries on the map, showing where States had been; but without vitality, their name would be a reproach. All of the objections arising from a want of constitutional power, or intrinsic right in the General Government to make other partial donations are also applicable to donations of this character. If the bill provided for a donation of lands to all who should

occupy them for five years, without regard to the pecuniary condition of the occupant, yet such legislation would be partial and unauthorized. The whole population of the old States cannot move away from their homes. A gift to a man who cannot take possession of it without a sacrifice, is no gift. Suppose a corporation owned land in the State of Iowa, and that the directors should pass a resolution that each stockholder should have his share of the land if he would move on to it and occupy it for five years. Some might be willing to go; some might find it quite impossible to abandon their present comfortable abodes for a home in the West. Would the division of the lands, founded on the condition of such occupancy, be in any respect just? No one can claim that this would be an equitable partition.

If Congress had the rightful power to make donations to actual settlers, and thus hold out a bounty to every man who will move from the old to the new States, few, very few, would move there who would not go without such bounty. It requires a much larger amount of means to prepare for the change of abode, and pay the expenses of a journey to the West, than is needed for the purchase of a farm there. Whoever has made such a beginning as will enable him to move to a distant country, and have enough left to commence the cultivation of a farm, will soon accumulate enough more to purchase a farm. He will then place a higher value upon it than if he were indebted to public charity for his land. He will, by his previous self-discipline, have prepared himself to take care of his earnings. How many of the extreme poor who throng our cities and larger towns, would ever take possession of lands in the wilderness? Not one in a thousand. Their associations, their modes of living, and their employments, alike disincline and unfit them for a frontier life.

The gentleman from Pennsylvania [Mr. CHANDLER] seems to believe that the benefits of this law to the poor who inhabit our larger cities will be incalculable. He represents a part of the city of Philadelphia, and must be acquainted with the condition of the poor in his own district. Allow me to read a short article, published in the *National Intelligencer* of this city a month or two since, upon this subject:

"DESTITUTION IN PHILADELPHIA.—The Philadelphia American gives an account of a visit made a few days ago to the hovels of many of the poor and destitute of that city, who live in small unventilated rooms, for which they are compelled to pay ten cents rent each day. It is supposed the number of these unfortunate beings is about five thousand. Many of them were found with their hands and feet frozen for want of fuel to keep them warm, while others had even disposed of most of their scanty clothing to buy bread. In one cellar a family were found who had been turned out of home because they were unable to pay their rent. In another place, a poor miserable woman and several children were found in a shed, the children covered up in a heap of ashes to keep them warm. Having no clothing whatever to cover them, the mother had been driven to this resort to keep them from freezing. The clothes had been sold to buy bread."

These are the persons who need help. When will they move on to the wild lands of the West? Will the city of Philadelphia—will the State of Pennsylvania furnish them the means to go with? If the poor are allowed to languish without food, or raiment, in the very seat of opulence, the coffers which are shut fast against them at home, will not be unlocked for any such purpose. How then shall they go? and how live, if sent penniless to that remote land? If it is the poor whom



you would help, point out, I beseech you, some practicable means of enabling them to enjoy the relief you would grant.

Mr. CLARK. Does the gentleman from New York argue that the giving away of the public lands will *promote* the suffering and destitution of the poor in the cities?

Mr. JENKINS. Certainly. If we give away the public lands and cut off this source of revenue to the General Government, a higher duty upon imported articles is the inevitable consequence. Do not the poor pay a duty; a tax, upon many of the necessities of life—the food which they eat and the clothing which they wear?

Mr. MOORE, of Pennsylvania. The gentleman from New York refers to the large amount of suffering which exists in Philadelphia, according to the account which has just been read. I would say to that gentleman, that the suffering in our populous cities arises in a great measure from the surplus of labor. Now, if a portion of industrious laborers and mechanics remove to the West, does it not leave room for the employment of those persons who are now suffering?

Mr. JENKINS. I doubt this alleged surplus of labor. The lands in the vicinity of Philadelphia would admit of the employment of many more laborers to advantage—so throughout Pennsylvania—so in New York. If the poor cannot get occupation in Philadelphia, why do they not apply to the farmers in that vicinity for employment? Besides, if the passage of this bill will not materially increase emigration to the West, then of what benefit is the law to the poor in the cities?

Mr. CABLE. I understand the gentleman to say that even these poor people pay duties to this Government; then I would ask the gentleman how he can deny them any participation in the Government; or, in other words, an equal participation in the public lands, in which they have an equal interest?

Mr. JENKINS. I would by no means deny to the poor a full participation both in the Government and the public lands. I would protect them in the enjoyment of both. The poor have their voice in the Government equally with the rich, and the funds derived from a sale of the public domain, and devoted not only to the support of Government, but to the common defense of the nation, result alike to the benefit of the humble and the affluent.

Mr. JOHNSON, of Tennessee. I would like to ask the gentleman a question. The bill under consideration, it is true, would not give immediate relief to the suffering condition of this description of population; but there is one thing equally clear and true, and that is, that it would not make their condition any worse. But I would ask the gentleman whether, if these persons had homes and land which they could have cultivated, and out of which they could have obtained a support, they would have been in this wretched condition?

Mr. JENKINS. Of course not. If you had the *right* to devote the *national* funds to procuring lands for them in the vicinity where they reside, you might thus bring relief to their wants. But no man will claim that the *national* Government has any such power. This is the business of the State in which they live.

But if your unauthorized bounty, from the very

nature of things, shall flow to those only who can well take care of themselves, what justice is there in pleading the cause of the *needy* in order to gain a gratuity for the *prosperous*? Doubtless, the condition of the poor can be greatly improved, but such improvement must be commenced and carried on among the community in which they reside. Individual instances there may be in which a donation of western lands would be of service to settlers, who might not otherwise obtain for themselves a homestead. But if any legislation upon this subject is begun by Congress, it must be a general law, open alike to all. If you give a farm to those only who are worth not exceeding \$500; according to the recommendation of the committee, children of the wealthy, who have not quite yet come into possession of the large estates of their parents, will nevertheless be entitled to the gratuity, while the young man who has bent his neck to six years patient toil, and laid aside \$600, would be excluded. Would not such a provision open the door, also, to the grossest frauds? Many years since we granted pensions to such revolutionary soldiers only as were destitute of property. What was the consequence? The wealthy complained that, because they had been more industrious and frugal than their companions-in-arms, and had, by that means, saved some property, they were therefore excluded from the nation's liberality. Some clandestinely put their property out of their hands, in order to obtain pensions. The injustice and inexpediency of this partial and one-sided legislation at length became apparent, and Congress soon abrogated the discrimination, and bestowed pensions alike upon the rich and the poor. If you bestow the public domain upon the penniless only, will not the industrious and frugal who, by the most rigid economy, have laid up a few hundred dollars, complain of their exclusion, for that cause, from the public bounty? Trace out the effects of such a law, based upon a discrimination between those who are worth over \$500, and those who fall below the prescribed line, and consequences the most mischievous will not fail to be the result. Far better distribute the proceeds of the public lands at once among all the States, and let them be your almoners, than to undertake the proposed scheme. Much as I condemn any squandering of the public domain, nevertheless, if this inheritance must go, I would put it in a shape where it should be sent home to the door of want, and cause it to rejoice the heart that pines in the darkest cellar. I would not mock poverty with donations of land in the far West beyond the reach of the penniless; but if we must turn aside to do the business of *State* legislation, I would throw open the Treasury of the nation, and do a work worthy of a nation's bounty. However agreeable to our feelings such errands of mercy would be, fidelity to the Constitution requires us to avoid this inviting field of legislation. Our duties, more stern but not less important, lie in another direction. The guardianship of the public treasure is committed to our hands. Our power is limited. In time of war, other sources of revenue may be cut off. In such an event, the public lands have, and will continue to replenish our empty coffers, unless we forget the duties of our trust, and allow them to pass from our control.